

**Minutes of Meeting
Grafton Planning Board
November 23, 2009**

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GRAFTON, MA

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A regular meeting of the Grafton Planning Board was held on Monday, November 23, 2009 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Bruce W. Spinney III, Vice-Chairman, Robert Hassinger, Clerk Peter Parsons, Heath Christensen, Stephen Qualey and Associate Member Sadie Miller. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:00 p.m., announcing there would be a slight change to the agenda with the Board holding the public hearing for Special Permit SP 2009-10 first at 7:30 p.m. in order to accommodate the recording secretary present for the wireless facility hearing.

ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – ANR 2009-9 - #2, #4, #6 & #12 SALISBURY STREET – DAVID MASON, APPLICANT

Mr. Bishop reviewed the ANR plan submitted with the Board and stated that the plan meets the lot area and frontage requirements for Approval Not Required.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to approve ANR 2009-9 and to authorize the Planner to sign the ANR plan on behalf of the Planning Board. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-B – REQUEST FOR BOND REDUCTION – GLENWOOD LANE – “GLENWOOD ESTATES I” & “GLENWOOD ESTATES II” SUBDIVISIONS – ABU CONSTRUCTION, INC., PETITIONER

Mr. Bishop reviewed the calculations submitted for Glenwood Lane, stating the bonds were combined since Glenwood Lane is a part of both subdivisions. Mr. Hassinger questioned if there were any problems with allocating the bond money between either subdivision and suggested the Board receive a written agreement stating the provision.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to reduce the bond currently being held as security for “Glenwood Estates II” to \$45,479.09, based on correspondence from Graves Engineering, Inc. and the requirements of the Town of Grafton Subdivision Rules & Regulations, subject to receipt of a written agreement concerning the combination of the bond reduction for both “Glenwood Estates I and II” subdivisions to a total of \$73,300.25. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-C – REQUEST FOR PLANNING BOARD COVENANT ENDORSEMENT – “BRIGHAM HILL ESTATES” SUBDIVISION – BRIGHAM HILL DEVELOPMENT LLC, PETITIONER

Present at the meeting were Attorney Todd Brodeur, owner Thomas Zocco and Engineer Brian MacEwen of Graz Engineering.

Mr. Bishop informed the Board the Covenant had been reviewed twice by Town Counsel and was appropriate as to form. Chairman Spinney recused himself from the approval and signing due to a conflict of interest. Vice-Chair Hassinger assumed Chairman Spinney's position for the Action item.

MOTION by Mr. Parsons, **SECOND** by Mr. Qualey, to approve and execute the Covenant as drafted, with the understanding the Performance guaranty will be put on the plan prior to being registered with the Registry of Deeds. **MOTION** carried 4 to 0.

MINTUES OF PREVIOUS MEETINGS

MOTION by Mr. Qualey, **SECOND** by Mr. Parsons, to approve the open session minutes of November 9, 2009 as drafted. **MOTION** carried unanimously 5 to 0.

STAFF REPORT

Mr. Bishop stated he is continuing to work with Travelers in completion of the "Cortland Manor" subdivision; continuing to resolve the issues associated with the "Woods at Stonegate" subdivision concerning the offsite drainage problems; and working with Town Counsel to move forward to some resolution with regard to the "Oakmont Farms" subdivision.

Mr. Bishop reported that they had a good meeting and he was pleased by the progress for the Fisherville & Farnumsville Streetscape project, noting they have moved forward in recommending project phasing plans and will probably make a final presentation to the Board of Selectmen in January.

Mr. Bishop also remarked on the possibility that he may be summoned as a witness regarding a lawsuit filed by a Morgan Drive homeowner against Toll Brothers, scheduled for December 7.

Mr. Bishop briefly discussed Mr. Hassinger's concerns regarding the Open Meeting Law, State Ethics Commission testing requirements and the FCC correspondence concerning wireless facilities application changes.

Chairman Spinney received unanimous consent to take Special Permit SP 2009-10 out of order.

SP 2009-10 T-MOBILE NORTHEAST LLC, (APPLICANT) – WYMAN GORDON, (OWNER) – 244 WORCESTER STREET – WIRELESS COMMUNICATIONS FACILITY

Mr. Parsons read the legal notice and Chairman Spinney opened the public hearing. Present for the applicant was Jacqueline Murray and Radio Frequency Technician Shaikh Mahmood.

Ms. Murray reviewed the wireless communication facility application for the location of eight antennas, one E911 Global Positioning System antenna, associated wires and ground equipment on the roof of an existing garage structure at the Wyman Gordon facility. Ms. Murray also noted the entire structure tops off at 120 feet from the ground, with an increase to the existing structure of only 12 feet.

Mr. Hassinger inquired about any requested waivers. Ms. Murray stated they were requesting a waiver from the balloon test, since they were co-locating and not the original wireless facility, who she believed to be A T & T.

Cyndy Rondeau of 265 Worcester Street stated she lived across the street from Wyman Gordon and requested Ms. Murray show and review exactly where the towers will be.

Bernadine Gonzalez of 259 Worcester Street asked how many trees will be stripped for this installation and requested Ms. Murray address any test data for effects of the radio waves on people, children and pets.

Kimberly Schortmann of 16 Beverly Road asked the total footage of the tower and how far it can be seen by the homes in the area.

Maureen Moroney of 255 Worcester Street expressed concerns for interference with her television reception.

Edward Vegnone of 15 Shrewsbury Street asked if there will be a beacon on the tower since there is a person who flies a small plane in the area. Mr. Vegnone also questioned any effects on the migrating birds that fly through the area and whether the Mass Wildlife or Conservation Commission were contacted.

Emilio Gonzalez of 259 Worcester Street asked for clarification of the terminology being used in classifying the tower/antennas. Mr. Gonzalez noted that some antennas are very large and require lots of lighting making them very bright. Mr. Gonzalez added that co-locating opens the doors for many more wireless companies to locate there.

Ms. Murray pointed out the exact location of the antennas on the map and repeated that the total height of the structure is 121 feet from the ground to the top, but that only 12 feet is above the building.

Ms. Murray stated there was absolutely not any tree removal required and passed out copies of some photo simulations to the audience to better clarify the existing conditions versus the proposed conditions.

Ms. Murray also explained that the radio frequencies are regulated by the FCC, mandating that the wireless companies maintain a certain level and that there is no danger to pets or humans under these levels.

Ms. Murray added that the antenna is actually 1,975 feet from Worcester Street, that the FAA has determined there is no hazard and that no lighting or beacon is required. at the site.

Shaikla Mahmood, Radio Frequency Technician for T-Mobile Northeast LLC, explained to the Board the antenna structure and performance.

Ms. Murray stated that interference with migrating birds only becomes a problem at 300 feet, that there are no environmental issues to be addressed with the Conservation Commission, and that wireless facilities are licensed to operate on different frequency levels than television reception, so there is no interference.

MOTION by Mr. Qualey, **SECOND** by Mr. Hassinger, to waive the special permit requirements for a balloon test. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

SP 2009-9 JAMES PENNELL & SUSAN MCDERMID (APPLICANTS/OWNERS)
- 87 ELMWOOD STREET - DUPLEX

Mr. Parsons read the legal notice and Chairman Spinney opened the public hearing. James Pennell, Susan McDermid and their attorney Gerald Shugrue were present for the hearing.

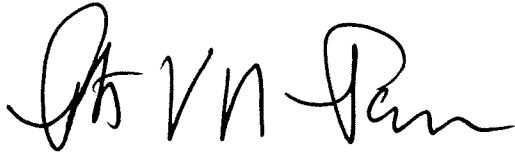
Attorney Shugrue reviewed the project for construction of the duplex structure and noted the builder was present if the Board had any questions.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 8:21 p.m.

A handwritten signature in black ink, appearing to read "Peter Parsons", written in a cursive style.

Peter Parsons, Clerk

